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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

LEONEL ARROYO,

Defendant and Appellant.

B219745

(Los Angeles County
Super. Ct. No. KA083888)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on October 5, 2010, be modified as follows:

On page 1, the first paragraph, third sentence reads “Judgment affirmed as modified.” The sentence should read “Modified, remanded, and affirmed.”

On page 2, delete the third full paragraph which reads “We modify the judgment to stay execution of sentence on count 8 and otherwise affirm.” Insert in its place: “We modify the judgment to stay execution of sentence on counts 1 and 8, remand for re-sentencing, and otherwise affirm.”

On page 20, delete the first full sentence which reads “As such, the court’s imposition of sentence on both counts 1 and 8 was error.” Insert in its place “As such, the court’s failure to stay execution of sentence on both counts 1 and 8 was error.”

On page 20, the disposition paragraph shall be deleted and in its place the following shall be inserted. “The judgment is ordered modified to stay execution of sentence on counts 1 and 8, pursuant to section 654. The matter is remanded for the trial court to select one of the sex offense counts as the principal term, and impose sentence on the remaining counts at one-third the middle term pursuant to section 1170.1, subdivision (a). The trial court is ordered to send a corrected abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.”

This modification constitutes a change in the judgment.

Appellant’s petition for rehearing is denied.